



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 23, 1998

Mr. Kevin McCalla  
General Law Division  
Texas Natural Resource Conservation Commission  
P.O. Box 13087  
Austin, Texas 78711-3087

OR98-2798

Dear Mr. McCalla:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 119839.

The Texas Natural Resource Conservation Commission received a request for specific family member information for fifty-two named individuals. The requestor also seeks the employment status of these individuals. You state that you have released information relating to the individuals' employment status. However, you claim that the requested family member information is excepted from disclosure under section 552.117 of the Government Code. We have considered the exception you claim and have reviewed the submitted information.

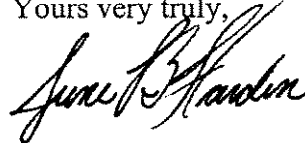
Section 552.117 of the Government Code excepts from required public disclosure the home addresses, telephone numbers, social security numbers, or information revealing whether a public employee has family members of public employees who request that this information be kept confidential under section 552.024. Therefore, section 552.117 requires you to withhold this information if a current or former employee or official requested that this information be kept confidential under section 552.024. *See* Open Records Decision Nos. 622 (1994), 455 (1987). You may not, however, withhold this information of a current or former employee who made the request for confidentiality under section 552.024 after this request for information was made. Whether a particular piece of information is public must be determined at the time the request for it is made. Open Records Decision No. 530 at 5 (1989).

You inform us that all of the named employees have executed authorization forms requesting that their personal data information not be accessed by the general public. Thus,

you must withhold the requested family member information from required public disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read "June B. Harden".

June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/ch

Ref.: ID# 119839

Enclosures: Submitted documents

cc: Mr. Bruce C. Fisher  
1901 Eden Lane  
Wichita Falls, Texas 76306  
(w/o enclosures)